

EXHIBIT A

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August 24, 2016

VIA ECF

Hon. Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, New York 10004-1408

Re: Order for Relief from Stay, Adv. Pro. No. 08-01789, ECF No. 13848

Dear Judge Bernstein:

We represent Irving Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. § 78aaa-III, and the substantively consolidated estate of Bernard L. Madoff.

On July 21, 2016, Mr. Lamar Ellis filed a document entitled Order for Relief from Stay, ECF No. 13848 (attached hereto as Exhibit A). Though it is unclear from the document what specific relief Mr. Ellis seeks, or the basis for such relief, the Court need to not reach those questions in order to deny Mr. Ellis’s request.

Mr. Ellis filed two claims against the BLMIS estate—008118 and 070192 on March 24, 2009 and July 30, 2009, respectively. The Trustee denied the claims on December 8, 2009 and November 4, 2010, respectively, on the basis that Mr. Ellis did not have an account with BLMIS and therefore was not a “customer” of BLMIS as that term is defined at 15 U.S.C. § 78III(2). Mr. Ellis filed three objections to the Trustee’s denial of his claims on December 22, 2009, September 17, 2010 and November 29, 2010, ECF Nos. 1112, 2998 and 3249.

The Bankruptcy Court expunged both of Mr. Ellis’s claims, and overruled his objections by an order entered on April 19, 2012, ECF No. 4779 (attached hereto as Exhibit B).

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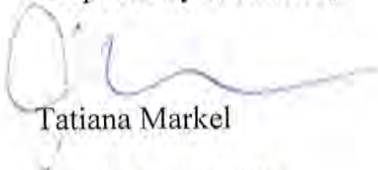
On July 9, 2014, Mr. Ellis sent a letter to the Court and to the Trustee requesting that the Trustee's denial of his claims be reversed. ECF No. 7284. He also requested that the Court and the Trustee review data he provided to the DOJ in connection with the Madoff Victim Fund to advise him of his rights. On July 14, 2014, the Trustee responded to Mr. Ellis's letter, ECF No. 7359, explaining that (i) Mr. Ellis did not have an account or any other relationship with BLMIS and therefore was not a "customer" of BLMIS under SIPA; (ii) there is no further action for the Trustee to take with respect to Mr. Ellis's claims since the Bankruptcy Court expunged Mr. Ellis's claims; and (iii) neither the Trustee nor the Bankruptcy Court is involved in the administration of the Madoff Victim Fund. Two more letters were written (ECF Nos. 7498, 7510), and on August 6, 2014, this Court held a hearing on the matter. At the hearing, Mr. Ellis, appearing by telephone, admitted that he confused the Trustee's liquidation of the BLMIS estate with Mr. Richard C. Breeden's Madoff Victim Fund. Mr. Ellis agreed to pursue whatever claims he had against the Madoff Victim Fund. Transcript of August 6, 2014 Hearing at 66-67, ECF No. 7861 (attached hereto as Exhibit C).

A review of Mr. Ellis's latest filing in the form of the Order for Relief from Stay demonstrates that Mr. Ellis may have again confused the BLMIS estate with the Madoff Victim Fund. The filing does reference the "Special Master of Madoff Victim Fund," but it is difficult to understand anything else included with Mr. Ellis's papers.

In light of the above, the Trustee requests that the Court close this matter, or, if the Court were to treat the Order for Relief from Stay as a motion, deny the motion.

We appreciate Your Honor's attention to this matter.

Respectfully submitted,



Tatiana Markel

cc: Mr. Lamar Ellis

EXHIBIT A

July 21, 2016

**Clerk of the United States Bankruptcy Court
For the Southern district of New York
One Bowling Green
New York, New York 10004**

LAMAR ELLIS

1372 FERN LAKE AVENUE

Conservator

BREA, CA 92821

Case No. 08-1789 (BLM)

Employer's Tax Identification (EIN) No(s): ~~42-54-2379~~

ORDER FOR RELIEF FROM STAY

The hearing on the Motion for Relief from an Automatic Stay ("Motion"; pleading) filed

by Petitioner Lamar Ellis should not be scheduled for a hearing.

The Court may consider the merits of the Motion, the allegations therein, the attachments thereto, [any

objection filed thereto, the arguments of counsel] [no objections having been filed thereto], and there

being good cause to grant the relief requested;

IT IS ORDERED that the Motion is GRANTED, and the automatic stay imposed by 11

U.S.C. § 362 is terminated to allow Mover to proceed to Liquidation Proceedings of

Carryback/Carryforward **1045** Petitioner/Conservator, Lamar Ellis seeks relief to

liquidate \$969,757,940 of Debtor \$1.8 Billion in order to recover losses which occurred at the

hands of Debtor or otherwise exercise its security interests against the following described

collateral ("Collateral"): **Special Master of Madoff Victim fund**

Regions Bank, Pioneer Investment Funds as 60 other Does under 1998 Federal Identity Theft Act under Penal Code 530.7 to recover Lamar Ellis Trust/Energetic,

IT IS FURTHER ORDERED that Movers are to file a report of sale promptly following

liquidation of the Collateral.

Lamar Ellis



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--Registered Letter--

June 30, 2016

Case No. 08-1789 (BLM)

To: Special Master

Madoff Victim Fund

Claim No. 7070192.CRC

United States

Department of Justice

P.O. Box 6310

Syracuse, NY 13217-6310

Re:1.) Change of address for Lamar Ellis (TR), Lamar Ellis, TTEE Conservator of 1516 Shirley Avenue, Jackson, MS 39204 to that of Lamar Ellis (TR), Lamar Ellis (TTEE) and Conservator for Energetic Psychoanalytic Institute and Training School, Inc. as is shown upon the enclosed July 10, 1995 notarized assignment of Deed of Trust (Charitable Securities) document.

--June 30, 2016 Declaration by Lamar Ellis--

2.) Lamar Ellis Trust has at all times since the tax year 1995 performed as transfer agent of securities for Energetic, Inc., via the renowned Signature Guaranteed/Medallion/Guaranteed programs.

3.) Lastly, Lamar Ellis Trust (Trustee) believes that its lost/stolen securities of Claim No.7070192.CRC should be conducted with the same privileges under the Securities Investor Protectant Act, 15 U.S.C. (SIPA) as Trustee Irving H. Picard described on 12/08/2009.

4.) Please advise me if any claimant is forever precluded to receive permission from the DOJ to bring suit to recover in Federal Court the assets believed to be held by MVF, under certain established (IRC)(SEC)

Thank you,

Lamar Ellis, TTEE-Conserv

1372 Fern Lake Avenue

Brea, CA 92821

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SPECIAL MASTER
MADOFF VICTIM FUND
UNITED STATES DEPT. OF JUSTICE
P.O. BOX 6310
SYRACUSE, NY 13217-6310



9590 9403 0581 5183 7947 36

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Jim Chase* ☒ Agent ☐ Addressee

B. Received by (Printed Name)

Jim Chase

D. Is delivery address different from the address on the label? ☐ Yes ☒ No

If YES, enter delivery address:

JUN 29 2016

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail®
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☒ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation®
- ☐ Signature Confirmation Restricted Delivery

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LAMAR ELLIS, Individual (Pro Per)
218 Lincoln Avenue
Pomona, California 91767
(909) 623-2247

Case No. 08-1789 (BLM)

FEB 09 2004

LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE
COUNTY OF LOS ANGELES, EAST DISTRICT, EAST-POMONA COURTHOUSE

LAMAR ELLIS, an Individual;

Plaintiff,

vs.

UNIVERSITY OF CALIFORNIA IRVINE, et
al., with defendants separate and apart; DOES
1 through 60 Inclusive.

Defendant

Case No.: KC 043397 H

Assigned For All Purposes to:

Judge Bruce Minto, Dept. H

1st AMENDED COMPLAINT; PLAINTIFF(S) SEEKS
\$1,347 BILLION DAMAGES; CAUSE OF ACTION
WITH SEVERAL SUBCAUSES (982.1 CAUSE OF
ACTION/Common Counts)

I - 1998 FEDERAL IDENTITY THEFT
DETERRENCE ACT, AND CALIFORNIA
IDENTITY THEFT ACT UNDER PENAL CODE
§530.7

SUB CASES:

- A) DEFAMATION OF CHARACTER
- B) THREAT OF BODILY HARM
- C) EXTORTION
- D) BREACH OF CONTRACT
- E) EMBEZZLEMENT
- F) HYPOTHECATION
- G) CONSPIRACY TO FRAUD
- H) MENTAL DISTRESS RECKLESS
OR INTENTIONAL
- I) ATTORNEY WRONGFULLY
DISMISSING HIMSELF WITHOUT
NOTICE
- J) ELDER ABUSE

COMES NOW Plaintiffs: Lamar Ellis, Individual; Lamar Ellis, Trust and Energetic Institute and
alleges as follows: Defendants extorted \$1,347 billion of plaintiffs \$6,133 billion. Plaintiff's plan to seek
recovery through legal means with the assistance of the U.S. Treasury Department, (IRS). All
defendants involved were also reported to the (IRS) as a matter of compliance on September 30, 2003.

ALLEGATIONS COMMON TO ALL CAUSES OF ACTIONS

1. At all times mentioned herein, plaintiffs are and now is a competent adult residing in the
City of Pomona, California.

2. Plaintiffs are informed and believe and thereupon allege that defendant U. C. Irvine
(hereinafter) referred to as UCI et al.) is an at all times herein mentioned as a campus of the University

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MADOFF VICTIM FUND
P.O. BOX 6310
SYRACUSE, NY 13217-6310

Case No. 08-1789 (BLM)

7070192 - CRC
LAMAR ELLIS TR
LAMAR ELLIS TTEE CONSERVATOR
1516 SHIRLEY AVE
JACKSON, MS 39204

We are writing to confirm that we have received the claim you submitted to the Madoff Victim Fund (MVF) and have assigned it claim number 7070192. Please retain this number and include it in any correspondence or emails you send to the MVF and have it accessible if you call MVF customer service. No further action is required from you at this time. If your address or contact information changes, please inform us immediately so that we have your current information.

MISSISSIPPI SECURITIES ACT RULES

Case No. 08-1789 (BLM)

Promulgated
Pursuant to the
Mississippi Securities Act

Effective
February 1, 1993

Secretary of State

State of Mississippi

Confidential Report

**GUARANTEED TAX SHELTER BEARER
CERTIFICATE**

Lamar Ellis Trust

Page 2 shows a certificate, dated 09/27/2003, with a face value of \$1,278,000,000, drawn to the order of the Lamar Ellis Trust.

The Cusip indicator AOPXX is provided on the certificate; the indicator is in fact the symbol for AmSouth Prime Money Market Class A shares, for which the Cusip is 032168700.

AmSouth Prime Money Market Class A shares became Pioneer Cash Reserves Fund shares in September 2005. Trading medium: NASDAQ.

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David J. Sheehan
Keith R. Murphy

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

NOTICE OF CANCELLATION OF HEARING

PLEASE TAKE NOTICE that on behalf of Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, and the substantively consolidated estate of Bernard L. Madoff, through his counsel Baker & Hostetler LLP, the hearing scheduled to be held on August 31, 2016 at 10:00 a.m. is cancelled. All matters previously scheduled on that

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date will be adjourned and no matters will be scheduled to be heard on that date.

Dated: New York, New York
July 19, 2016

By: /s/Keith R. Murphy
BAKER & HOSTETLER LLP
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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

New York Southern Live System

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ECF

Bankruptcy

Adversary

Query

Reports

Utilities

File a Notice:

08-01789-smb Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities, LLC, et al

U.S. Bankruptcy Court

Southern District of New York

Notice of Electronic Filing

The following transaction was received from Keith R. Murphy entered on 7/19/2016 at 3:10 PM and filed on 7/19/2016

Case Name: Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities, LLC, et al

Case Number: 08-01789-smb

Document Number: 13720

Docket Text:

Notice of Adjournment of Hearing /*Notice of Cancellation of August 31, 2016 Hearing* filed by Keith R. Murphy on behalf of Irving H. Picard. (Murphy, Keith)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:M:\BK Filings ASuffern\2016-07\08-01789 Notice of Cancellation of Hearing.pdf

Electronic document Stamp:

STAMP NYSBStamp_ID=842906028 [Date=7/19/2016] [FileNumber=15412510-0]

284db279cdc2529c2592a96638403fd3d1616c0e0a44e1581b0598bd90083b2f6b0e

5cec63283b832fa46aef1b62a78c4c42fef96f862650c0abe2f3ddf59440]]

08-01789-smb Notice will be electronically mailed to:

Johan Robert Abraham on behalf of Defendant Notz, Stucki Management (Bermuda) Limited

rabraha@debevoise.com, mao-bk-ecf@debevoise.com

Robert Alan Abrams on behalf of Defendant Jeanne T. Spring Trust

abrams@katskykorins.com

Nathan D. Adler on behalf of Interested Party 20:20 Medici AG

nda@nqgrg.com

Jameer Nitand Advani on behalf of Unknown Equus Asset Management LTD.

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From: Suffern, Anne <asuffern@bakerlaw.com> Pg 9 of 10

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<johnsamore@hotmail.com>; jpitkin <jpitkin@umich.edu>; jsousa <jsousa@bfm.bm>; jwang <jwang@slpc.org>; jwnijkamp

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08-01789-1 Doc 13524-1 Filed 07/21/16 Entered 08/08/16 10:47:00 Main Document
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<mattcarroll@msn.com>; mauricesandler <mauricesandler@sbcglobal.net>; mdweb27 <mdweb27@me.com>; mrkruze
<mrkruze@comcast.net>; msoslow <msoslow@untracht.com>; muchhal <muchhal@netvigator.com>; mwinick
<mwinick@hotmail.com>; ndver <ndver@comcast.net>; nkelley <nkelley@sipc.org>; optics58 <optics58@gmail.com>; oreng
<oreng@bellsouth.net>; pabst <pabst@mantomgmt.com>; peplady5 <peplady5@gmail.com>; pfisch <pfisch@twcny.net>;
prosenblum <prosenblum@mindspring.com>; richard.hoefer <richard.hoefer@utanet.at>; rjch <rjch@netvigator.com>;
macdon482 <macdon482@aol.com>; rng67 <rng67@comcast.net>; reardon <reardon@stblaw.com>; rudolf.rausch
<rudolf.rausch@gmail.com>; simcha.gutgold <simcha.gutgold@gmail.com>; sltiner <sltiner@yahoo.com>; srohdie
<srohdie@bellsouth.net>; stanleymkatz <stanleymkatz@mac.com>; stuart <stuart@silverboxsw.com>; swansont
<swansont@sec.gov>; tim.balbirnie <tim.balbirnie@gmail.com>; truggiero <truggiero@resnicknyc.com>; ts.yang
<ts.yang@msa.hinet.net>; vasilescua <vasilescua@sec.gov>; wc.helsdingen <wc.helsdingen@casema.nl>; wolfie2400
<wolfie2400@yahoo.com>; yiuleung <yiuleung@yahoo.com.hk>; yiuleunghk <yiuleunghk@gmail.com>

Subject: SIPC v BLMIS (Case No. 08-01789)

Date: Tue, Jul 19, 2016 12:17 pm

Attachments: 08-01789 Notice of Cancellation of Hearing.pdf (32K), 08-01789 Receipt.PDF (30K)

We are counsel to Irving H. Picard, Esq., as Trustee for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff, plaintiff, in the above-referenced adversary proceeding.

Attached please find Notice of Cancellation of Hearing which has been electronically filed in the above noted adversary proceeding.

If you should have any questions, please do not hesitate to contact Keith R. Murphy, Esq. at (212) 589-4682 or kmurphy@bakerlaw.com.

Anne Suffern

Paralegal

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New York, NY 10111-0100
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EXHIBIT B

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

**ORDER GRANTING TRUSTEE'S THIRD OMNIBUS MOTION SEEKING TO
EXPUNGE CLAIMS AND OBJECTIONS OF CLAIMANTS THAT DID NOT INVEST
WITH BLMIS OR IN ENTITIES THAT INVESTED IN BLMIS**

Upon the motion (the "Third Omnibus Motion") [Docket No.4732], by Irving H. Picard, trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") and the estate of Bernard L. Madoff ("Madoff") (collectively, "Debtor"), in the above-captioned SIPA liquidation proceeding, dated March 16, 2012, seeking to have the Court expunge any and all claims and objections filed by or on behalf of claimants ("Claimants") that did not invest with BLMIS, or in entities that invested with BLMIS, pursuant to section 78fff-2(b)(2) of the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"),¹ Rule 3007(d) of the Federal Rules of Bankruptcy Procedure and this

¹ Subsequent references to SIPA shall omit "15 U.S.C."

Court's order approving procedures for the filing, determination, and adjudication of customer claims in this proceeding (the "Claims Procedures Order", Docket No. 12), seeking to have the Court expunge claims and objections filed to the extent they were filed by or behalf of those Claimants that did not invest with BLMIS, or in entities that invested with BLMIS, as identified in Exhibit A under the heading "*Claims and Objections to be Expunged*" (collectively, the "Objections"), to the extent that they were filed by Claimants, all as more fully described in the Third Omnibus Motion and supported by the Cohen Affidavit, Exhibit B; and due and proper notice of the Third Omnibus Motion having been provided to (i) the U.S. Trustee; (ii) the Securities and Exchange Commission; (iii) the Internal Revenue Service; (iv) the United States Attorney for the Southern District of New York; (v) the Claimants listed on Exhibit A attached to the Third Omnibus Motion (and their counsel), and (vi) all other parties entitled to notice; and it appearing that no other or further notice need be provided; and the Court having found and determined that the relief sought in the Third Omnibus Motion is in the best interests of the Debtor, its estate, creditors, and all parties in interest and that the legal and factual bases set forth in the Third Omnibus Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefore, it is

ORDERED that the relief requested in the Third Omnibus Motion is granted to the extent provided herein; and it is further

ORDERED that, pursuant section 78fff-2(b)(2) of SIPA and the Claims Procedures Order, the "*Claims and Objections to be Expunged*" listed on Exhibit A annexed hereto under the heading "Claims and Objections", are expunged with prejudice to the extent they relate to the Claimants identified on Exhibit A; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: April 19, 2012
New York, New York

/s/Burton R. Lifland
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

08-01789-brl Doc 4732-1 Filed 03/10/12 Entered 03/10/12 15:28:52 Exhibit A
Pg 2 of 2

IN RE: BLMIS. CASE NO: 08-01789 (BRL)

THIRD OMNIBUS MOTION: EXHIBIT A – CLAIMS AND OBJECTIONS

CLAIMS AND OBJECTIONS TO BE EXPUNGED

NAME	CLAIM NUMBER	DOCKET NUMBER	COUNSEL
Ellis, Lamar ¹	008118	1112, 2998	Pro Se, 1372 Fern Lake Ave, Brea, CA 92821
Ellis, Lamar	070192	3249	Pro Se, 1372 Fern Lake Ave, Brea, CA 92821
Meyer, Diane ²	014606	1619	Anthony Edward Lipinski, Butler & Hosch P.A. 3185 South Conway Rd, Ste. E, Orlando, FL 32812
Meyer, Diane Estate Beneficiary of Edward J. Meyer	014764	1619	Anthony Edward Lipinski, Butler & Hosch P.A. 3185 South Conway Rd, Ste. E, Orlando, FL 32812
Sanon, Nerlande	014608	1836	Pro Se, 2-D Bridle Path Cr., Randolph, MA 02368
Sanon, Nerlande	070175	3252	Pro Se, 2-D Bridle Path Cr., Randolph, MA 02368
Surabian, Steven	001896	1209	Pro Se, 1230 RT. 28, S. Yarmouth, MA 02664
Surabian, Martin M., Alice V. Surabian, Richard Surabian, Steven Surabian	001895	1209	Pro Se, PO Box 397, 454 Craigville Beach Rd., W. Hyannisport, MA 02672
Surabian, Martin M., Alice V. Surabian, Richard Surabian, Steven Surabian	001897	1209	Pro Se, PO Box 397, 454 Craigville Beach Rd., W. Hyannisport, MA 02672
Surabian, Richard	001949	1209	Pro Se, PO Box 397, 454 Craigville Beach Rd., W. Hyannisport, MA 02672
Surabian, Kirsten E., Richard Surabian	002186	1209	Pro Se, 526 White Plains Rd., Webster, NH 03303
Surabian, Erik M., Richard Surabian	002185	1209	Pro Se, 526 White Plains Rd., Webster, NH 03303
Surabian, Steven	001802	1209	Pro Se, 1230 RT. 28, S. Yarmouth, MA 02664
Surabian, Martin M., Alice V. Surabian in Trust For Karen T. Surabian, Gregory Surabian, Eric M. Surabian, Kristen E. Surabian	003367	1209	Pro Se, PO Box 397, 454 Craigville Beach Rd., W. Hyannisport, MA 02672

¹ Claimant filed an unsuccessful suit against several parties including BLMIS in Southern District of California (San Diego), (Case # 3:10-cv-01295-H-JMA) on June 17, 2010, alleging *inter alia*, that assets were traded without permission. Case was terminated by Judge Marilyn L. Huff on July 15, 2010 for failure to state claim and order denying Motion for Reconsideration was issued on August 2, 2010.

² Both the BLMIS account of Edward J. Meyer IRA and the BLMIS account of Marcia A. Meyer IRA were closed prior to the filing of the substantively consolidated liquidation of BLMIS.

EXHIBIT C

1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 Case No. 08-01789-SMB

4 - - - - - x

5 In the Matter of:

6

7 SECURITIES INVESTOR PROTECTION

8 CORPORATION,

9 Plaintiff,

10 vs.

11 BERNARD L. MADOFF INVESTMENT

12 SECURITIES, LLC, ET AL.,

13 Defendants.

14 - - - - - x

15

16 U.S. Bankruptcy Court

17 One Bowling Green

18 New York, New York

19

20 August 6, 2014

21 10:07 AM

22

23 B E F O R E :

24 HON STUART M. BERNSTEIN

25 U.S. BANKRUPTCY JUDGE

1 Hearing re: Letter filed by Mr. Lamar Ellis on Notice Of
2 Trustee's December 11, 2008 Determination Of Claim

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25 Transcribed by: William J. Garling

1 A P P E A R A N C E S :

2 BAKER & HOSTETLER, LLP

3 Attorneys for SIPA Trustee

4 45 Rockefeller Plaza

5 New York, NY 10111-0100

6

7 BY: NICHOLAS J. CREMONA, ESQ.

8

9 ALSO APPEARING TELEPHONICALLY:

10 LAMAR ELLIS

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1 P R O C E E D I N G S

2 THE CLERK: All rise.

3 THE COURT: Mr. Ellis, are you on the line?

4 THE OPERATOR: Mr. Ellis is not connected yet.

5 THE COURT: He is not connected yet, all right.

6 (Recess at 10:07 a.m.)

7 THE COURT: Hello?

8 MR. ELLIS: Hello?

9 THE COURT: Is this Mr. Ellis?

10 MR. ELLIS: Yes, it is.

11 THE COURT: Okay. I'm sorry. You got behind a
12 long matter. I called your matter first.

13 This is Judge Bernstein and I have a
14 representative of the Trustee here, Mr. Cremona.

15 I scheduled this hearing because I received your
16 letter and your letter raised an issue about the Trustee's
17 disallowance of the claim and you seem to be confused
18 between the fund that the trustee is beginning to administer
19 and the fund that the Department of Justice or Richard
20 Breeden, which is a victim's fund, is going to be
21 administered.

22 So tell me about -- tell me about your claim.

23 MR. ELLIS: Well, I don't know much about it. I
24 had -- earlier this year I was receiving some kind of
25 threats, what I took to be threats and I hired an attorney

1 and I went through what was going on with him and he
2 suggested that I contact your court or at least the trustee
3 and try to explain to the Court what was going on. In other
4 words, after I had also received that Bernard Madoff Victim
5 Fund notice and so forth. And so it left me totally
6 confused as to if they were connected because I had sent the
7 same information in originally on the original claim back in
8 2008 or '09 as sent to the Madoff Victim Fund claim and it
9 left me totally confused and, of course, at my age, it
10 doesn't take much for that anymore.

11 But anyway, the confusion was on my end. I'm sure
12 I just didn't understand how the connections, if there were
13 any connections at all, how that worked.

14 THE COURT: Okay. Do you understand that there's
15 a separate victim's fund that has nothing to do with this
16 case, except that it obviously is designed to compensate
17 victims of Madoff's fraud?

18 MR. ELLIS: I understand it now, I believe. Yes,
19 sir.

20 THE COURT: And the trustee, as I understand it,
21 disallowed your claim because there was no evidence that
22 the, I think it's the Lawrence Ellis Trust ever had an
23 account with Madoff.

24 Do you recall ever having an account with Madoff?

25 MR. ELLIS: I don't claim to have an account with

1 Madoff, no, sir. That's not what I was claiming.

2 THE COURT: Okay. But you claim that you were a
3 victim of Madoff's fraud?

4 MR. ELLIS: Yes, I am a victim of Madoff's fraud.

5 THE COURT: And how so?

6 MR. ELLIS: Well, it seems that my bank at the
7 time that held my assets in trust used those assets to
8 eventually get them into the hands of Madoff.

9 THE COURT: Okay. So you invested in a trust or
10 had an interest in the trust and the trust invested?

11 MR. ELLIS: Well, no. It was me as an individual.
12 The trust was actually performing along with another
13 organization as the transfer agents of those assets from one
14 position with Bank of America in California to a bank, a
15 National Bank in Mississippi.

16 THE COURT: Did you -- Mr. Ellis, did you ever
17 receive a monthly statement from Bernard Madoff?

18 MR. ELLIS: Not to my recollection. I don't
19 recall that.

20 THE COURT: Okay. It sounds to me like the
21 Trustee properly denied your claim as to the fund that he's
22 administering because you didn't have an account with
23 Bernard L. Madoff Investment Securities, but you may have
24 claims to the victim fund that's being administered by
25 Mr. Breeden, and I think his address was in the letter that

1 the Trustee sent to you.

2 MR. ELLIS: Yes, we have been in touch with them,
3 but like I said, I was so confused.

4 THE COURT: Yeah. Well, it's confusing.

5 MR. ELLIS: But I was confused about how it would
6 work.

7 THE COURT: Okay. Do you understand it now, that
8 you should be communicating with Mr. Breeden about your
9 victim fund claim?

10 MR. ELLIS: Yes, sir. I think the Trustee sent me
11 a letter and explained the difference between the two parts
12 and that was sufficient and I took that at word, as was
13 written.

14 THE COURT: Okay. I just wanted to make sure that
15 you understood. I'm not going to do anything further in
16 this matter and I suspect that the Trustee isn't and you
17 should pursue whatever claims you have with the victim's
18 fund.

19 MR. ELLIS: Okay. Well, I'm very grateful to you.
20 I didn't mean to do anything other than just find out how I
21 was involved.

22 THE COURT: Okay. All right. Thank you very
23 much.

24 MR. ELLIS: Okay. Thank you.

25 Bye, bye.

1 THE COURT: Okay. I'm just going to mark that
2 off. He seems to understand now.

3 MR. CREMONA: Understood.

4 Thank you, Your Honor.

5 THE COURT: All right. Sorry you had to sit here
6 all morning. Thank you very much.

7 MR. CREMONA: It was quite interesting.

8 THE COURT: I wonder if I could just
9 (indiscernible - 11:25:33). There's that.

10 (Whereupon these proceedings were concluded at
11 11:25 AM)

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C E R T I F I C A T I O N

I, William J. Garling certify that the foregoing
transcript is a true and accurate record of the proceedings.


William J. Garling, CET
Certified Electronic Transcriber
CET**D-543

Veritext
330 Old Country Road
Suite 300
Mineola, NY 11501

Date: 8/07/2014